

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

MOLDEX-METRIC, INC.,

Plaintiff,

vs.

3M COMPANY and 3M INNOVATIVE
PROPERTIES COMPANY,

Defendants.

Civil No. 14-1821 (JNE/FLN)

**DECLARATION OF
MATTHEW HOSEN IN
SUPPORT OF MOLDEX'S
REPLY IN SUPPORT OF ITS
MOTION FOR PARTIAL
SUMMARY JUDGMENT ON
ELEMENTS OF ITS SHAM
LITIGATION AND MALICIOUS
PROSECUTION CLAIMS**

I, MATTHEW HOSEN, hereby declare and state as follows:

1. I am an attorney with the law firm of Quinn Emanuel Urquhart & Sullivan, LLP, admitted *Pro Hac Vice*, representing Plaintiff Moldex-Metric, Inc. ("Moldex") in this action.

2. This Declaration is submitted, under penalty of perjury, in connection with Moldex's Motion for partial summary judgment on 3M's "unclean hands" affirmative defense. In accordance with 28 U.S.C. Sec. 1746, I intend this Declaration to have the same binding legal effect as an affidavit signed by me. The materials that are either referenced in or attached to this Declaration relate to Moldex's requests for summary judgment on the objective baselessness and probable cause elements of Moldex's sham litigation and malicious prosecution claims, respectively.

3. Attached hereto as Exhibit 1 is a true and correct copy of Moldex's Memorandum in Support of Moldex's Motion for Summary Judgment of Non-Infringement of U.S. Pat. No. 6,070,693 (ECF No. 35 in 3M's Patent Lawsuit) (FILED UNDER SEAL).

4. Attached hereto as Exhibit 2 is a true and correct copy of Moldex's Reply in Support of Moldex's Motion for Summary Judgment of Non-Infringement of U.S. Pat. No. 6,070,693 (ECF No. 53 in 3M's Patent Lawsuit) (FILED UNDER SEAL).

5. Attached hereto as Exhibit 3 is a true and correct copy of Moldex's supplemental responses to 3M's First Set of Interrogatories, served by Moldex on 3M on January 27, 2016 (FILED UNDER SEAL).

6. Attached hereto as Exhibit 4 is a true and correct copy of a letter sent by Joseph Paunovich, counsel for Moldex, to 3M's counsel on February 4, 2016.

7. Attached hereto as Exhibit 5 is a true and correct copy of the Declaration of Sigfrid D. Soli in support of Moldex's Motion for Partial Summary Judgment on Elements of Its Sham Litigation and Malicious Prosecution Claims, filed on April 1, 2016.

8. Attached hereto as Exhibit 6 is a true and correct copy of the expert report of Sigfrid D. Soli, Ph.D. Concerning Non-Infringement and Invalidity of U.S. Pat. No. 6,070,693, dated January 5, 2016. (FILED UNDER SEAL).

9. Attached hereto as Exhibit 7 is a true and correct copy of Exhibit A to Moldex's Invalidity Contentions and Prior Art Statement, served by Moldex on 3M in September 2012.

10. Attached hereto as Exhibit 5014 is a true and correct copy of what has been marked as Deposition Exhibit 5014, is United States Patent No. 6,070,693.

I DECLARE, UNDER PENALTY OF PERJURY, THAT THE FOREGOING STATEMENTS ARE TRUE AND CORRECT.

Executed on: May 6, 2016

/s/ Matthew Hosen

Matthew Hosen